

Minutes of Plan Commission Meeting February 19, 2019

Call to Order – Phil Wedekind called the meeting of the Commission to order at 5:15 PM.

Roll Call – Present were Phil Wedekind, Dennis Thurow, Roy Franzen, Pat Liston, Jim O'Neill, and Kate Fitzwilliams. Tom Kolb was absent.

Also in attendance were Administrator Geick, Tom Pinion, Attorney Truman, Brooke Hill, Mike Lawton, Dwayne and Sherry Zawistowski, Ryan McKichan, Tom Fahl, Dick Pilsner, Brian VanCoulter, Brad Boettcher, Sally Glorch, Bob and Karlyn Brown, and Ben Bromley.

Call to Order

- a. **Note compliance with the Open Meeting Law.** Wedekind noted compliance with the Open Meeting Law.
- b. **Agenda Approval:** It was moved by Liston, seconded by Franzen to approve the agenda as posted. Motion carried unanimously.
- c. **Minutes Approval:** It was moved by Liston, seconded by Franzen to approve the minutes of the January 15, 2019 meeting. Motion carried unanimously.

Public Invited to Speak (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) –There were no speakers.

Public Hearing

- a. Public Hearing to consider the request of Brooke Hill (Owner), d/b/a Three Boos 4 U (Applicant) for a Conditional Use Permit to allow a day care center and playground located in a B-1 zoning district, located at 106 Walnut Street, City of Baraboo – Brooke Hill introduced herself to the Commission. Sally Glorch spoke of her concern regarding the parking. She stated that two of her employees received notices saying they could no longer park in the parking lot and she did not understanding why, because she thought that it was a City parking lot. There being no speakers, the hearing was declared closed.

New Business

- a. **Consideration of Brooke Hill's (Owner), d/b/a Three Boos 4 U (Applicant), request for a Conditional Use Permit to allow a day care center and playground located in a B-1 zoning district, located at 106 Walnut Street, City of Baraboo** – Pinion presented the background to the Commission. He said that Brook Hill would like to resume daycare operations at the location. He said that Hill own the property on the north side of the alley, a couple lots, and then the building proper. He said surround the building is Walnut Street to the east, a City-owned lot to the south and west, and a public alley to the north. He said that there was never any off-street parking associated with this building, because the City owned a lot next door, Hill and her customer customarily used that lot. With the construction of City Hall, I A.M. Dairy use to park anywhere in the neighborhood since there was no other development. He said that they are now, not allowed to park in the street given the recent development. He said with Alliant's recent improvement there was less room for them to park along the alley; therefore, they have requested from the City to lease the parking lot that the City owns, and the Public Safety Committee, and the Council both reviewed and approved the requested lease. Therefore, the City owned lot, which has been paved has been leased to I A.M. Dairy, and they had arranged with Brooke to allow her customers to utilize that for pickup and drop-off. He said that he did not feel the City knew the lot was being utilized by others, and said that he would work with Glorch to accommodate her needs or put her touch with Al Mueller, who has controlling interest of the property through the lease. It was moved by Liston, seconded On roll call for the motion, Ayes – Thurow, Franzen, Liston, O'Neill, Fitzwilliams, and Wedekind. Nay – 0, motion carried 6-0.
- b. **Consideration of Request to Rezone 53. Acres of land located immediately west of the USH 12 freeway and immediately south of CTH W (South Blvd.) being the easterly 60 rods of the SE¼ of Section 4, T11N, R6E, except CSM 5245 and the USH 12 right-of-way from A-1 Agricultural Transition zoning classification to an I-4 Planned Industrial/Business zoning classification, by Spirit Lake LLC** – Mike Lawton, representing Spirit Lake LLC introduced himself to the Commission. Lawton presented their request to the Commission. Pinion said that the property is immediately west of the new US Highway 12 Expressway, the former Spencer farm, with the exception of the substation. Liston questioned if the utilities were extended under the bypass. Pinion said that provisions were made for utilities to be extended under the bypass without the need to open and cut it. Therefore, casing pipe was installed, which would allow the extension of water and sewer near the off-ramp for north bound traffic, and then near the back side of Teel, which would provide the opportunity to loop the water main. Liston questioned who would be responsible for the expense if the property were developed. Pinion said that those improvements were would be assessed to the benefiting property owners, since that property would be the only property served by said extension, the expectation would be it would be borne by the property owner. It was

moved by Liston, seconded by Franzen to recommend rezone this property from A-1 to an I-4 Planned Industrial; /Business district as requested. On roll call vote for the motion, Ayes – Franzen, Liston, O’Neill, Fitzwilliams, Wedekind, and Thurow. Nay – 0, motion carried 6 to 0

- c. Consideration of an amendment to the Zoning Code to add Retain Sales & Services to allowable permitted uses in the B-1, Downtown Business, B-2 Neighborhood Business, B-3 Highway-Oriented Business, and I-4 Planned Industrial/Business districts – Pinion said that this is a carryover from last meeting in regards to pet grooming as well as retain sales and services. He said that retail sales and service is very well defined in the zoning code; however, it is not listed as either an allowable or a conditional use in any of the zoning districts. He said that the Commission discussed including it in a couple of zoning districts, Commercial, and Industrial, but there was some concern expressed by some pertaining, specifically to the sale of wild animals. He said that if the Commission would like to make that an exclusion the definition of retail sales will have to be revised to reflect that exclusion, and then decide which districts, if any, retail sales and services as an allowable use. Franzen feels that Council should be asked as to define the terminology that should be used to define the non-sale of certain animals. Truman said that at one-time in the code it looks like there may have been a definition where some limitations on pet stores. She said that there is some language about a pet store license, but then do not find it anywhere else in the code. She said that as of right now there is nothing prohibiting the sale of any animal, including dogs, cats. She said that it is her understanding that there may be a retail pet store in the City that does sell puppies. She said that if that is something that the Commission would like the staff to look into more, and maybe examine other communities’ codes to see how they define or regulation pet stores, it could be done. It was the consensus of the Commission that this should be explored further and a clear definition is needed. Truman said that she would look at other communities’ codes to see if there is a licensing procedure and restrictions. She said she could provide a summary or talk to staff to see if they can come up with a draft ordinance, based on other communities’ codes. It was moved by Liston, seconded by O’Neill postpone action on this subject until the next Commission meeting. On roll call vote for the motion, Ayes – Liston, O’Neill, Fitzwilliams, Wedekind, Thurow, and Franzen. Nay – 0, motion carried 6 to 0.
- d. Consideration of Final Site Plan for a proposed retail firearm store with an indoor shooting range on the 10-acre parcel located at 1223 South Blvd. in a B-3 Highway Oriented Business zoning district for Dwayne and Sherry Zawistowski, d/b/a DEZ Arms – Ryan McKichan, representing ADCI Architectural firm introduced himself to the Commission. Pinion presented the background to the Commission. He said that the Commission approved the conditional use in October 2018. Ryan McKichan then presented the detailed site plans to the Commission. He presented 3D renderings of the proposed building to the Commission. It was moved Liston, seconded by O’Neill to accept the Final Site as presented, and that the future signage for the building will come back to the Commission at that time. On roll call vote for the motion, Ayes – Fitzwilliams, Wedekind, Thurow, Franzen, Liston, and O’Neill. Nay – 0, motion carried 6-0.
- e. Review and approve a Blighted Area determination along a portion of Lake Street, to satisfy a requisite condition of eligibility for a Community Development Block Grant CLOSE Public Facilities grant program – Pinion said that this is a Community Development Block Grant Program, and the City has received several of those over the course of time. He said that the Federal Government is demonstrating some level of accountability and wanted to close a certain Community Development Program. Pinion said that City currently has, in round numbers, \$800,000 in grant money that we in turn, loan out in revolving loan fund, so the City receives payments every month back, and when people have new development, or project that is worth of that loan, the Community Development Authority reviews that and grants a loan back. He said that this is a very good Economic Development tool. He said that as part of the particular program, the City can either close the program, since everything is lent out, and all of the proceeds go back to the State for them to utilize; therefore, the City has nothing to re-invest or nothing to show for it, or the City can buy it out from the State. Pinion said the City would forward that \$800,000 and apply for a non-competitive grant to have that money returned. Pinion said that in this instance, the City has money slated for street reconstruction projects that was part of the bond proceeds last year, so the City could take that money, submit it to the State, they will review the grant application, undoubtedly say that it is approved, and then the City can use it. He said that there are a couple of small strings attached, the money cannot be spent as one chooses, the Community Development Block Grant is all about assisting Community Development, and targets low to moderate income. Therefore, if the City met the standard for low to moderate-income residents, which is 51% or greater, the City would automatically qualify for that grant. He said according to the statistics from the Department of Revenue, the City is about 40.65% low to moderate-income population within the City; therefore, the City does not automatically qualify. He then said that the City can do a survey of a targeted area, going house to house, and incomes, and hopefully get to 51% of low to moderate income for a particular targeted area, or a third option, the City can look at declaring a blighted area, in need of repair. He said that Staff feels that declaring a blighted area is the avenue that is the most prudent. He said that Staff has met with representatives of Department of Administration and talked in general about the City’s hope to use it for the reconstruction of Lake Street. He said that if the City have the money returned in a grant and use it under their eligibility to improve Lake Street, there would not be a question that it would be a benefit to the community. He said to be considered a blighted area is really a qualitative determination, which is simply that the properties within the blighted area, approximately 25% of them or more are showing some signs of physical deterioration, and/or a high vacancy rate, and/or a high turnover rate. He said that currently, the \$800,000 that is loaned out to the existing developments has strings attached, it has to benefit low to moderate income, if it is an employee basis, low to moderate income have to be hired, so a lot of strings are attached, a lot of reporting and accountability. He said if the City goes through this program, called the CLOSE Program, because it is be wiped out, the slate is wiped clean, and the \$800,000 that comes to the City in monthly payments over time, is the City’s to use as it decides. Liston asked if there was a period. Pinion said that there is no period on the \$800,000 return; it is whatever the terms of those loans were. He said that this program, the City cannot loan any more money out as of February 1, the City can apply any time within the next

60 days, and the money has to be spent within two years. Administrator Geick said that it gives the City a way to get the money back and make it more useful for the future. He said that the City would lose the money otherwise, because the program is being closed. He said that this provides the City a use to way to continue it with the City's terms, and Baraboo is one of the very few community's around the State that has made a strong effort to keep this money working in the community. Robert Brown, 607 Lake Street said that from South Center Street to just past Hill Street was done seven years ago as a total reconstruction and questioned why taxpayers' money would be wasted to reconstruct something that was already done. Pinion said that from end to end there are three different treatments, from Walnut Street to Blake Street will be totally reconstructed, from Blake Street to roughly Guppy Street there will be spot repair of curb and gutter, and sidewalk where it is needed, and crack filling, and the main area of concentration will be from Inverness down to Springbrook, that will be completely reconstructed, and curb, gutter, and sidewalk will be added where there is none. He said to alleviate the periodic flooding that overtops the road, the vertical alignment will adjusted, and storm sewer will be installed. A question was raised if sidewalk was going to be installed along the parcel owned by the City from Walnut to about 300 feet to the east. Pinion said that the way sidewalk is currently planned would extend to Cherry Alley where that intersects, continuing on that curve it is a steep drop off, a very narrow shoulder, so it will go to at least South Street. Brown then voiced a concern is the labeling of "blight neighborhood", what kind of affect it will have on the value of homes in the area. Brown questioned where the money was that was voted on in 2017 designated for Lake Street. Pinion said that the money borrowed in 2017 is the exactly funds that is designated for Lake Street; however, the City could use this program to still spend the same amount money reconstructing Lake Street, and by doing so the City can free up and remove the strings that attached to \$800,000 for the benefit of the community. He said when staff met with the Department of Administration; they expressed the same concern that they did not want the negative comments that it is a blighted area, etc. Pinion said that that staff was told that this was a moment in time, where the area is being declared as a blighted area so it qualifies for the funding. Therefore, to the City's knowledge there is no long lasting, or permanent designation that affect it in any other way. Pinion said that this is a Community Development Block CLOSED Program, strictly targeted for public facilities, and the public facilities is Lake Street, it is the only public improvement there. He said that there are other components of the Block Grant Program that include a revolving loan fund for home improvements, which require a blighted area longer lasting designation; but this is a single purpose street improvement project, and to qualify, it has to demonstrate 25% of the area of showing signs of deterioration. Pinion said that the City did not pick the label of blight, and certainly are avoiding the label of slum; no one thinks or wants that. Pinion said that there would be a public hearing where citizens will be able to voice their opinion. He said that he does not want to be overly defensive, but the City was given the rules of the game to play by, they had to pick the one that was least offensive, and simplest to qualify for. Brian Van Coulter, 617 Lake Street asked questions regarding the improvements that were being made to improve flooding. It was moved by Franzen, seconded by Liston to approve the Blighted Area determination along a portion of Lake Street as presented. On roll call vote for the motion, Ayes – Wedekind, Thurow, Franzen, Liston, O'Neill, and Fitzwilliams. Nay – 0, motion carried 6-0.

- f. Consider officially designating the street name for the portion of the former STH 123 between South Blvd. and Walnut Street as South Parkway - Pinion said that the Commission has the privilege of approving street names for the streets in the City. He said when Highway 123 connected South Blvd. to Devils' Lake; it does not look like there is any record where the official name was established. City's records show Parkway in many instances, and a few that show South Parkway. He said that there are eight residences that have addresses on that corridor, and all eight have them listed as South Parkway; therefore, to the least amount of inconvenience to the people that have addresses that way is to official designate it South Parkway. It was moved by Liston, seconded by O'Neill to officially designate the street name for the portion of the former STH 123 between South Blvd. and Walnut Street as South Parkway. On roll call vote for the motion, Ayes – Thurow, Franzen, Liston, O'Neill, Fitzwilliams, and Wedekind. Nay – 0, motion carried 6-0.

Discussion took place regarding the format of the agenda.

Adjournment - It was moved by Liston, seconded by O'Neill to adjourn at 6:15 p.m. The motion carried unanimously.

Phil Wedekind, Mayor Designee